IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.715 OF 2000
WITH
CIVIL APPLICATION NO.8770 OF 2000

Baba Fakaroddin Mujawar ...Appellant.

V/s.

Baba Narayan Kolekar ...Respondent.

Shri S.D. Patil for the Appellant.
Shri G.S.Godbole for the Respondent Nos.1B to 1G.
None for the Respondent No.1A.

CORAM: J.H.BHATIA, J.
DATE : 4th August, 2005.

P.C.:

1. Heard Mr.S.D.Patil holding for Adv.Deepak Patil for the Appellant and Mr.Godbole for the Respondent Nos.1B to 1G. None for the Respondent No.1A. Perused the judgment of the Trial Court as well as the Appellate Court.

2. The Appellant/Defendant claims that the suit property is a 'Inam' land. The Tenancy Court had declared the deceased Respondent/Plaintiff as a protected tenant. Even the Trial Court found that the Plaintiff was in possession till 08/01/91 when the Executive Magistrate had taken over the possession in the proceedings under section 145 Cr.P.C. to maintain peace and law and order. The Trial Court refused to grant injunction in favour of the Plaintiff on the ground that he had failed to prove that certificate under section 32(m) of the Bombay

Tenancy & Agricultural Land Act, 1947, was issued in his favour. The Appellate Court allowed the Appeal of the Plaintiff holding that he had proved his possession over the suit land on the date of filing of the suit and even thereafter on the basis of tenancy rights. In view of these facts, I find no substantial questions of law.

3. The Appeal stands dismissed.

4. In view of the dismissal of the Second Appeal, the Civil Application does not survive and hence, it is dismissed.

(J.H.BHATIA, J.)